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FEDERAL TRADE COMMISSION

NORTHEAST REGION

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 10/29/2015

October 28, 2015

Hon. Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *FTC v. Capital Enterprises, Inc., et al.*, No. 15 Civ. 8407
Notice of Service on all Defendants and Request to Lift Seal of Case File

Dear Judge Ramos:

Plaintiff Federal Trade Commission ("FTC") respectfully requests that the file in the above-referenced case be unsealed. By Order dated October 26, 2015, Judge Richard Berman granted the FTC's *ex parte* motion to temporarily seal the entire case file, including the docket, until the Defendants have been served with the pleadings and any order issued by the Court in response to the FTC's *ex parte* motion for a temporary restraining order.¹

All Defendants were served earlier today all pleadings and associated papers filed in this matter, including the Complaint and the Court's *Ex Parte* Temporary Restraining Order with Asset Freeze and Other Equitable Relief and Order to Show Cause Why A Preliminary Injunction Should Not Issue. The FTC therefore respectfully requests that file in this matter be unsealed and made a matter of public record.

The Clerk of the Court is respectfully directed to unseal the case.

The application is ☒ granted
_____ denied

Edgardo Ramos, U.S.D.J

Dated: 10/29/2015

New York, New York

Respectfully submitted,

Darren H. Lubetzky
Attorney for Plaintiff
Federal Trade Commission

¹ Concurrently with its letter motion to temporarily seal the entire case file, the FTC also filed an application to file select exhibits under seal permanently to safeguard health and personally identifiable information. On October 26, 2015, the Court endorsed the FTC's application to file these select exhibits under seal permanently and to allow the FTC to publicly file redacted versions of these documents in their stead. This request to unseal the case file does not pertain to these select exhibits that the FTC respectfully requests be sealed permanently.

MEMO ENDORSED